

## REMARKS

Claims 33 and 34 have been canceled, and new dependent claims 39-45 have been added. No new matter was added. Accordingly, claims 30, 32 and 35-45 are pending.

### **Restriction Requirement**

*In the non-final Office Action dated March 23, 2009, restriction is required between method claims 30, 32 and 33 (Group I) and method claims 34-38 (Group II).*

Applicant elects the Group I claims directed to a method of manufacturing a Ta sputtering target for prosecution in the present application.

The claims of the present application have been amended. Elected Group I claim 30 is the sole independent claim pending for further prosecution in this application. Claims 32, 35-38 and 41-45 all depend directly or indirectly from base independent claim 30, and all are submitted as being directed to the elected invention.

Claim 39 is dependent from independent claim 30 and requires the “melting” step of claim 30 to be “electron beam melting”. Applicant respectfully submits that this does not define a distinct invention; rather, Applicant respectfully submits that claim 39 is a properly recited dependent claim that further limits the invention defined by the base claim. Accordingly, Applicant respectfully submits that claim 39 is directed to the elected invention.

Claim 40 is dependent indirectly from independent base claim 30 and requires the “Ta billet or ingot” formed by the “forming step” recited by base claim 30 to be produced such that it has primary crystal grains of a diameter of roughly 50mm. Applicant respectfully submits that this does not define a distinct invention; rather, Applicant respectfully submits that claim 40 is a properly recited dependent claim that further limits the invention defined by the base claim. Accordingly, Applicant respectfully submits that claim 40 is directed to the elected invention.

Accordingly, Applicant respectfully submits that the Group I claims are elected and that the Group I claims include independent claim 30 and dependent claims 32 and 35-45.

Please charge any deficiency or credit any overpayment for entering this Response to Restriction Requirement to our deposit account no. 08-3040.

Respectfully submitted,  
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